

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ORUS ASHBY BERKLEY, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 7:17-cv-00357
)	
MOUNTAIN VALLEY PIPELINE, LLC,)	By: Elizabeth K. Dillon
)	United States District Judge
Defendant.)	

CERTIFICATE PURSUANT TO 28 U.S.C. § 2403

Pursuant to 28 U.S.C. § 2403(b) and Federal Rule of Civil Procedure 5.1(b), the court hereby certifies that the constitutionality of Virginia Code § 56-49.01 has been drawn into question in this case by count four of plaintiffs' complaint and more directly by plaintiffs' briefing in opposition to Mountain Valley Pipeline's motion to dismiss. (*See, e.g.*, Pl.'s Opp'n to MVP Mot. Dismiss 15-16, Dkt. No. 22.)

Notice of the constitutional challenge has been served on the Commonwealth of Virginia by plaintiffs. (Dkt. No. 47.) Pursuant to Rule 5.1(c), the Commonwealth of Virginia is permitted to intervene within 60 days after plaintiffs' notice was filed, which was on December 19, 2017. Intervention shall be permitted "for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality." 28 U.S.C. § 2403.

The clerk is directed to provide a copy of this Certification to Mark R. Herring, Attorney General of Virginia, Office of the Attorney General, 202 N. Ninth Street, Richmond, Virginia 23219.

Entered: December 21, 2017.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge